

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Valerie DE LA POTERIE et al.)	Group Art Unit: 1619
)	
Application No.: 10/654,887)	Examiner: Jyothsna A. VENKAT
)	
Filed: September 5, 2003)	Confirmation No.: 6631
)	
For: COMPOSITION FOR COATING)	<u>VIA EFS-WEB</u>
KERATIN FIBERS COMPRISING)	
A TACKY WAX)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

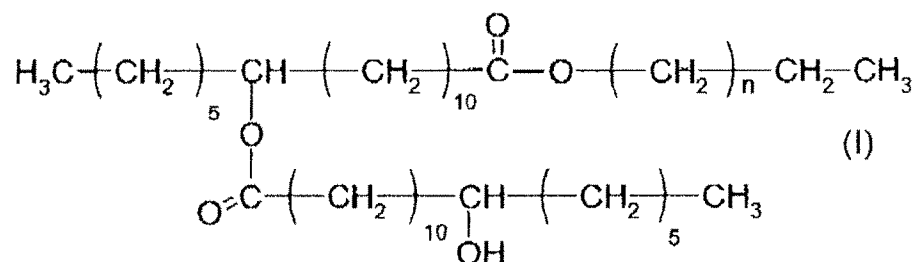
Sir:

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Applicants acknowledge the Notice of Allowance and Examiner's Amendment dated October 25, 2010. Without withdrawing the claims from issue, Applicants submit the following comments on the Examiner's Statement of Reasons for Allowance.

The Examiner states that "[t]he process claims are unobvious over the combination of patents 5,985,298 and 5,783,176 since the patents do not disclose or fairly suggest the claimed non-therapeutic process for obtaining a uniform and/or smooth and/or separating makeup result on keratin fibers eyelashes comprising applying to the eyelashes a composition comprising, in a cosmetically acceptable medium, at least one wax having a tack of greater than or equal to 0.7 N.s and a hardness of less than or equal to 3.5 MPa, and wherein the at least one wax is a compound of formula (I)." Notice of Allowance, pages 2-3.

Applicants wish to clarify for the record that claimed process is directed to “obtaining a charging and separating makeup result on the eyelashes comprising applying to the eyelashes a composition comprising, in a cosmetically acceptable medium, at least one wax in an amount of at least 27% by weight, relative to the total weight of the composition, wherein said at least one wax has a tack of greater than or equal to 0.7 N.s and a hardness of less than or equal to 3.5 MPa, and wherein the at least one wax is a compound of formula (I):



wherein n is an integer ranging from 18 to 38.” Claim 1 (emphasis added). Applicants note that the emphasized section was not included in the Examiner’s recitation of the “claimed non-therapeutic process” as laid out in the Statement of Reasons for Allowance.

Applicants also note that, in the Statement of Reasons for Allowance, the Examiner included the phrase “keratin fibers” prior to the word “eyelashes,” which is not present in the pending claims.

Applicants understand these differences to be inadvertent errors. However, if the Examiner disagrees, Applicants invite the Examiner to contact Applicants’ representative below.

Please grant any additional extensions of time required to enter the attached
reply and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: January 6, 2011

By: Mary E. Chlebowska
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